

REMARKS

Claims 1-30 are pending in the present application. Claims 1, 3, 5, 12, and 19 are independent claims.

The Examiner has objected to claims 9-11 and 23-30 as being dependent upon a rejected base claim. At this time, the Applicant declines the suggestion of rewriting these claims in independent form but reserves the right to do so at a future time.

The 35 U.S.C. § 103 Rejection

Claims 1-8 and 12-22 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Zhang et al.* (US 6,119,160) in view of *Lemaire et al.* (US 6,205,149 B1). This rejection is respectfully traversed.

Generally, the Office Action states that *Zhang* discloses or suggests most of the claim elements and that *Lemaire* discloses or suggests the rest. However, *Zhang* is disqualified as prior art under 35 U.S.C. §§ 102(e)/103(c) because the subject matter which would otherwise be prior art to the claimed invention and the claimed invention were commonly owned at the time the claimed invention was made. In fact, two of the inventors are common. (M.P.E.P. § 706.02(I))

Patent Application Serial Number 09/215,630 and US Patent 6,119,160 (*Zhang et al.*) were, at the time the claimed invention of Patent Application Serial Number 09/215,630 was made, commonly owned by Cisco Technology Incorporated.

Consequently, without the support of *Zhang* the rejection fails to be *prima facie* and should be withdrawn.

Given the above, the cited prior art can not be said to render the claimed invention obvious and it is respectfully asserted that the claims are now in condition for allowance.


Request for Allowance

In view of the foregoing, reconsideration and an early allowance of this application are earnestly solicited.

If any matters remain which could be resolved in a telephone interview between the Examiner and the undersigned, the Examiner is invited to call the undersigned to expedite resolution of any such matters.

Respectfully submitted,
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